

JHS

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BEVERLY MCHERRIN,

Plaintiff,

v.

MICHAEL J. ASTRUE  
Commissioner of the Social Security  
Administration

Defendant.

CIVIL ACTION

NO. 09-2035

**FILED**

**AUG 31 2010**

MICHAEL E. KUNZ, Clerk  
By                      Dep. Clerk

**ORDER**

AND NOW, this 31st day of August, 2010, upon consideration of Plaintiff's Motion for Summary Judgment Or, in the Alternative, Motion for Remand, and a Brief and Statement of Issues in Support of Request for Review and Motion for Summary Judgment (Doc. No. 8), Defendants' Response to Request for Review of Plaintiff (Doc. No. 10), the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport (Doc. No. 13), Defendant's Objections to the Magistrate Judge's Report and Recommendation (Doc. No. 14), Plaintiff's Response in Opposition (Doc. No. 15), and after a hearing on the Objections on July 14, 2010, and after an independent review of the record, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. Plaintiff's Motion (Doc. No. 8) is GRANTED insofar as Plaintiff requests a remand;
3. The final decision of the Commissioner is REVERSED, and the matter is REMANDED to the Commissioner of Social Security for further proceedings

consistent with the Court's Opinion of August 31, 2010, and the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport;

4. The Clerk of Court shall mark this case CLOSED for statistical purposes.

BY THE COURT:

  
Joel H. Slomsky, J.